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Guam

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I. General

1. Guam[1] is the southernmost and largest of the Mariana Islands in the Pacific, situated about 1,350 miles south of Tokyo and 3,700 miles west-southwest of Hawaii. It consists of a single island of approximately 212 square miles. It comprises two distinct geological areas of about equal size. The northern part of the island is a high coralline limestone plateau and contains the northern water lens, capable of supplying plenty of fresh water. The southern region is mountainous. Apra Harbour, which is located on the central western side of the island, is one of the largest protected harbours in the Pacific and is considered to be the finest deep water port between Hawaii and the Philippines. The capital city of Guam is Agana.

A. Historical background

2. Guam was visited probably in 1521 by the Portuguese navigator Ferdinand Magellan, who claimed it for Spain. Spain formally annexed Guam in 1565. In 1898, by the terms of the Treaty of Paris at the end of the Spanish-American War, Spain ceded the island of Guam to the United States of America. Through an Executive Order of the President, the island of Guam was placed under direct administration of the Department of the Navy on 2 December 1898. The Japanese captured Guam in 1941 during the Second World War. It was retaken by American forces in 1944.[2]

B. Population

3. Guam's total population is estimated to have reached 163,373 in 1999, up 2.3 per cent since 1998.[3] The ethnic and racial composition of Guam's population is 47 per cent Chamorro (who are indigenous to the Territory), 25 per cent Filipino, 10 per cent white and 18 per cent Chinese, Japanese, Korean and other groups.[4] The Chamorro are basically Micronesian in origin. There are also a substantial number of Micronesian islanders from nearby islands and several thousand Vietnamese and East Indians.[5] English and Chamorro are the official languages.

4. Most people are Christians, principally Roman Catholic. Other major religious denominations are Baptist, Seventh-Day Adventist, Latter-Day Saints and Episcopalians. There are some Jews, Buddhists, Muslims and Jehovah's Witnesses.[6]

5. Over the last two decades, United States immigration laws have had an impact on the demography of the population of Guam. Guam is a point of entry into the United States, and used as such for purposes of naturalization. There is no limit set on the number of people who can enter legally. According to the 1990 census, 40,000, or nearly one third of the population, were new immigrants (not born in the United States) and over 50 per cent of the total population was not born in Guam.[7] The 2000 census should reveal further changes in the population distribution, including any decreases in the percentage of Chamorros in Guam.[8]

6. Guam faces a major problem of illegal immigrants, from smugglers and "boat people". Guam seeks financial assistance from the federal Government to meet the cost of detaining and repatriating illegal Chinese aliens. In 1999 more than 700 illegal Chinese immigrants sought asylum in Guam.[9]

II. Constitutional and political developments

A. General

7. Guam was administered by the United States Department of the Navy until 1950, when the United States Congress enacted the Guam Organic Act, which established institutions of local government and made Guam an organized Territory. Since then, the Territory has been administered by the Department of the Interior. Guam is an unincorporated Territory since not all provisions of the United States Constitution apply to the island.

8. Guam is the site of extensive United States naval, army, and air force installations. Petroleum refining, ship repairing, and other service industries that cater to the military establishment form a major part of the local economy.[2]

B. Government

9. Guam has a locally elected government[4] which comprises separate executive, legislative and judicial branches. Universal suffrage with respect to local

elections applies to Guamanians 18 years and older. As Guamanians are nationals rather than citizens of the United States, they are not eligible to vote in the United States presidential elections while resident in the Territory. The people of Guam elect a Governor, who serves a four-year term. The island elected its first Governor in 1970. The Governor is responsible for the general supervision and control of the executive branch and submits an annual report to the Secretary of the Interior for transmission to Congress. The Governor may issue executive orders and regulations, recommend bills to the Legislature, make his views known to that body and veto legislation.

10. The people also elect 15 senators (as of 1998), who serve two-year terms in a unicameral legislature (see also paras. 13 and 16 below). The Legislature may override the Governor's veto. Under the Organic Act of 1950, the United States Congress reserves the authority to annul any law enacted by the Guam Legislature.

11. In 1972, a new law gave Guam one delegate to the United States House of Representatives. The Delegate may vote in committee but not on the floor of the House and serves a two-year term.

12. The local judicial system is made up of a Superior Court and a Supreme Court led by judges appointed by the Governor. Local judges are subject to confirmation by the voters every six years. A District Court Judge, appointed by the President of the United States, is the head of the United States District Court for Guam.

13. In 1998 the 105th Congress passed an amendment to the Organic Act (P.L. 105-291), which allows the Guam Legislature to elect an attorney general in the year 2002. It also redefines the legislative quorum to reflect the legislature's reduced size and expands the Guam Legislature's authority to make laws over rightful subjects as well as local subjects.[10]

C. Political parties and elections

14. The two political parties are the Republican Party, led by Joseph Ada, and the Democratic Party, the party of the Governor, Carl T. C. Gutierrez. The Lieutenant-Governor is Madeleine Bordallo. The last election was held in November 1998, when Governor Gutierrez was re-elected, and the Republican Party won a majority in the Guam Legislature.

15. Governor Gutierrez's victory in the 1998 election was challenged in court by his opponent, but the United States Supreme Court on 19 January 2000, overruled the United States Court of Appeals and stated that blank and other improperly marked ballots need not be counted in Guam's gubernatorial election.[11] This made it unnecessary to conduct a run-off election. As an outcome of this contest, there is an ongoing debate over election reform in Guam and political commentators are calling for better scrutiny of campaign finances, maintenance of voting machines, oversight and accountability.[12]

16. An initiative to return to a more representational body of 21 senators, as well as to create a part-time legislature, may be put to the electorate in November 2000.

D. Constitutional status and developments

17. Guam's quest for commonwealth status has been by means of the Commonwealth Act. Two referendums have been held on the status of the island, in 1976 and in 1982.[13] In a run-off referendum held in September 1982, a large majority of Guamanian voters opted for commonwealth status. Subsequently, in February 1984, the Guam Legislature established an eight-member Commission on Self-Determination to prepare a draft commonwealth agreement which, if acceptable to the people, would be submitted to the United States Congress for consideration (see A/AC.109/1192, paras. 16-18).

18. In May 1986, the Commission on Self-Determination completed a draft Commonwealth Act, which, after a public education campaign, was submitted to an article-by-article vote on 8 August 1987 (see A/AC.109/1192, paras. 19-37). Voters approved the central proposal, but rejected articles empowering the Government of Guam to restrict immigration and granting the indigenous Chamorro people the right to determine the future political status of the island. In a further referendum in November 1987, both of these outstanding provisions were approved. The Guam Commonwealth bill that contains the details of the proposed commonwealth relationship has been introduced by the Delegate from Guam at every session of the United States Congress since 1988.[14]

19. Negotiations between the Guam Commission for Self-Determination and the United States continued throughout 1988 and 1989. The Commission also raised the question of military bases on the island, in particular, the United States Naval Air Station, which, in its view, should be returned to civilian use.

20. In 1989 the then-Chairman of the House Insular Affairs Subcommittee, Congressman Ron de Lugo (D-VI), directed Guam and the executive branch to work out their differences regarding the bill before Congress would act on it. Under the Administrations of Presidents Ronald Reagan and George Bush, two Federal Inter-Agency Task Force Reports criticized key provisions on constitutional, legal and policy grounds.[14]

21. Federal review has continued under the Administration of President Clinton. The negotiator for the Administration during 1999 was John Garamendi, Deputy Secretary of the Interior[14] (see also para. 103 below).

22. In 1992, the proposed change of status had received further support from certain sectors of the business community interested in developing Guam as an offshore financial centre under commonwealth status, which would then permit new tax laws (see also para. 53 below).

23. More detailed information on the political status referendum of 30 January 1982, the draft Commonwealth Act, and the negotiations related thereto between the territorial Government and the administering Power during the period from 1986 to 1994 are covered in previous working papers prepared by the Secretariat (see A/AC.109/1192, paras. 19-37 and A/AC.109/2018, paras. 74-83). Additional information for 1995-1997 is contained in a previous working paper prepared by the Secretariat (see A/AC.109/2086, paras. 42-44).

24. A major issue in the federal Government's relations with Guam is the migration from the freely associated states of the Marshall Islands, the Federated States of Micronesia and Palau. The Compact of Free Association Act of 1985, which established the relationship between the United States and the Federated States of Micronesia, and the Marshall Islands, authorized unrestricted migration from those Pacific island nations to the territories and possessions. This enabled citizens of those islands to enter Guam and lawfully to engage in occupations as non-immigrant aliens.[14] These immigrants and their American-born children have settled in Guam, Hawaii and the Commonwealth of the Northern Mariana Islands. This has strained the resources of the recipient states and territories.[15] As a result, Guam's resident alien population is estimated to have increased by about 7,000 since 1986.[16] In order to address the situation, the Office of Insular Affairs has made technical assistance grants to Guam and other Compact Territories, with additional funding appropriated for the two island jurisdictions (Guam and the Commonwealth of the Northern Mariana Islands) by the United States Congress.

III. Military presence in Guam

25. According to a 1999 economic report prepared by the Bank of Hawaii, the military downsizing called for by the 1995 base closings and realignment programme has largely been completed. Currently, the United States Navy and Air Force jointly maintain bases in Guam, with 7,000 (235 less than in 1998) persons in uniform, the majority of whom are naval personnel.[3] With dependants, this number totals 13,000 to 14,000. There are fewer than 5,000 civilian employees and approximately 2,000 retirees. In 1998, the military sector contributed about $507 million and employed some 7 per cent of the total workforce.[17] In addition to jobs, direct income and benefits, the military contributes to the local economy as a retailer and collector of federal taxes for Guam. Since Guamanians do not vote in national United States elections, they are exempt from federal taxes, which are, however, collected from military personnel and other federal workers, who must file federal tax returns, with the money reverting to the territorial treasury.

26. While the United States Congress had agreed with the Pentagon and a federal base-closing commission to shut a Navy shipyard in Guam to save $172 million by 2001, political commentators now suggest that many lawmakers from both parties and even some Navy officers may have second thoughts. United States nationals will continue to require access to ports in the region and the military interest in Guam is expected to continue.[18]

27. To help preserve jobs on the island and protect United States interests, a naval shipyard in Guam was leased out to a private American operator in 1999.[18] However, by sending naval ships for repair to other

cheaper shipyards in the Republic of Korea, the Navy appears to be undermining this attempt. Efforts are currently under way to reverse this and assurances are being given that the Navy will provide sufficient business to the shipyard to make it economically viable.[19] According to reports in the press, the Navy has also lost out on a contract, to a private contractor, for the provision of technical services in its bases in Guam, which means a further elimination of 1,200 naval civil service jobs.[20]

28. In his presentation to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Governor of Guam admitted that military closures, which included the armed forces facilities in the port of Guam, had had an (adverse) impact on the economy. He said that about 2,500 civilian jobs had been lost — nearly 10 per cent of the workforce.[21]

29. More recently, the Office of Congressman Underwood (Guam) reported that the United States Congress has appropriated $103 million for military construction projects on Guam for the current fiscal year. This includes $8.3 million for a National Guard armoury; $17.5 million for an Army Reserve maintenance shop; $8.9 million to close the Andersen Air Force Base landfill; $44.1 million to build a new Andersen Base elementary school; and $24.3 million for a Defense Logistics Agency fuel support point.[22] The Department of Defense has also said that the Navy is establishing Commander, Submarine Squadron 15 (COMSUBRON 15) Guam. This action will be effective 1 July 2000 and will improve the operational readiness of the Pacific submarine force and WESTPAC deployed submarines by exercising administrative and operational control over operations, functions, logistics support, material readiness, shipboard training, and personnel. COMSUBRON 15 will comprise 7 officers and 13 enlisted personnel, whose estimated combined total salaries amount to more than $1.1 million annually.[23]

IV. Economic conditions

A. General

30. Though smaller in size, the military remains an important segment of the economy and is likely to remain that way. Tourism continues to be of growing importance. Farming and fishing are relatively well developed. Vegetables, citrus and tropical fruits, coconuts, and sugarcane are grown and livestock, especially poultry, is raised. Manufactures include textiles, cement and plastics.[2]

31. Guam's economy is closely linked economically to Asia. It has suffered significantly from the impact of the Asian financial crisis that began in 1997. Guam's economy is dependent on tourists from East Asia, particularly from Japan, and any economic or financial development in that region has an immediate impact on the Territory.[3] Guam's economy suffered a downturn in 1997 following a Korean Airlines crash and typhoon Paka, and the Asian financial crisis added to the situation.

32. The assessment of the Territory's Department of Commerce is that Guam's economy is recovering slowly but surely as the economy of Asia continues to improve. Tourism, Guam's primary industry, will experience this recovery as visitor arrivals, particularly from Japan, begin to grow and also have a positive impact on retail sales.[17]

B. Public finance

33. The Organic Act of Guam of 1950 provides that the income tax laws in force in the United States shall be the income tax laws of Guam. The United States Internal Revenue Code constitutes the Guam Territorial Income Tax Law. Other types of local taxes are applied on liquor, tobacco, gasoline, real property, gross receipts, use, admissions, amusement, recreational facilities, and hotel occupancy. However, there is only one taxing authority in the Territory, the Government of Guam. There are no separate municipal, county, school district or improvement district taxes. Other than admissions, use, and hotel occupancy taxes, there is no general sales tax imposed directly on the consumer. Foreign Sales Corporations which are licensed to do business on Guam may qualify for certain exemptions or rebates of income, real property, gross receipts and use taxes.

34. The territory's general fund, the sum of operating and other spending and revenues, has run deficits during most of the last 10 years. The 1997-1998 economic downturn has exacerbated Guam's financial difficulty. In 1997, according to preliminary data, the

general fund balance dropped to -$73.9 million. In 1998, the fund balance was an estimated -$94.4 and is projected at -$130.5 million in 1999. In July 1999, the Executive Branch asked the Legislature to authorize more spending in 2000.[3]

35. The Government of Guam has occasionally borrowed money to meet operational expenses, especially in the midst of economic downturns. Deficits have resulted from a steady rise in government spending while the tax base has fluctuated with changes in business cycles.[24] Revenues totalled $503.7 million in 1998, whereas government spending was $542.2 million. In 1999 revenue fell to $469.5 million, while spending dropped to $505.6 million, showing a deficit of $36.1 million.[3]

36. According to the report of the United States Bureau of the Census on federal expenditures by state and Territory, direct federal grants to the Government of Guam in fiscal year 1997 amounted to about $125 million. These include major grants from the United States Departments of Education, Health and Human Services, and Transportation, among others.

37. Signs of a large drop in economic activity can be found in almost every area of the Territory's economic landscape. Gross business receipts subject to tax dropped 8 per cent in 1998, compared to only a 0.6 per cent drop in 1997. Every major category of business receipts, with the exception of contracting (construction) dropped. Total deposits declined 9.5 per cent in 1998 and total payroll dropped 3.8 per cent in 1998.[3]

C. Gross island product

38. The GIP is derived from an econometric model developed for the Guam Finance Commission. According to the submission received from the administering Power in 1999, Guam's gross island product (GIP) has been stagnant at about $3 billion since 1992, after an increase of 75 per cent from 1988 to 1992.

39. The GIP growth rate has been declining since its peak in 1992 when it grew at 8.8 per cent. It showed signs of recovery in 1997 and in 1998 the rate of growth was estimated at 6.2 per cent. Guam's per capita GIP has either stagnated or declined, partly because of a weak economy and partly because of still-rapid population growth, which averaged 2.3 per cent between 1990 and 1998, more than twice the national (United States) average.[3]

D. Employment and wages

40. Government, both federal and Government of Guam combined, has been a major employer on Guam for decades, and until recently supplied about one third of all civilian payroll jobs in the Territory. The private sector has now overtaken the territorial government and become the largest employer.

41. By June 1999, government jobs accounted for 29.5 per cent of all civilian employment, down only slightly from 30.3 per cent in December 1998. The share of the Government of Guam comprised 21.7 per cent and of the federal Government 7.8 per cent, having dropped from the 12.4 per cent it held at the beginning of the decade. The local government compensated for most of the decreases in federal jobs.[3] Employment in the federal Government, too, has been declining for several years owing to military downsizing, while local government employment, which had increased a little in 1998 from 13,860 to 14,590, dropped to 13,740 by September 1999, possibly due to a government hiring freeze.[25]

42. In June 1999, the services sector superseded the Government and employed 22.6 per cent of workers. Retail trade employed 18.6 per cent; construction, 10.5 per cent; transport and utilities, 7.9 per cent; finance, insurance and real estate comprised 4.5 per cent; wholesale trade 3.2 per cent; manufacturing 2.7 per cent and lastly, the agricultural sector 0.6 per cent.[3]

43. Total number of employed shows a decline from 66,800 in 1997 (revised figures) to 64,230 in 1998, according to information published by the Government of Guam.[25] For June 1999, the Guam Department of Labour reported a total civilian population, age 16 and over, of 105,270 and a civilian labour force (those employed or actively seeking work) of 72,700.[25] Of these, 61,460 were employed and 11,060 were unemployed, which means a jobless rate of 15.2 per cent in mid-June 1999.[3]

44. Preliminary figures available for September 1999 show a further decrease in employment to 61,530 for all industries in Guam. The private sector experienced lower employment at 43,180 and the public sector, which had grown to 19,450 in December 1998, dropped to 18,350 by September 1999.[25] Thus, unemployment

levels for all workers, which had reached a high of 10 per cent in mid-1997, dipped briefly to 7.7 per cent by March 1998, and a year later, reached 14 per cent by March 1999 and continued to increase to 15.2 per cent by June.[26]

45. Average private sector weekly wages dropped 1.8 per cent from $361.00 in December 1997 to $354.47 in December 1998. Contributing to this loss was a 10.2 per cent drop in wages in Guam's largest employers: services. Most of the workers are employed in areas linked to tourism, which was down in 1998. The average weekly wages paid by the Government of Guam remained high, at $580.14 in June 1999, i.e., 64.5 per cent above that of the private sector.

E. Tourism

46. A total of 90 per cent of the tourists to Guam come from Asia. Guam has been heavily dependent on Japanese tourists since the inception of the industry in the 1970s. Non-Japanese tourists from Taiwan, Province of China, the Republic of Korea, and Hong Kong, the Special Administrative Region, People's Republic of China, make up a relatively smaller portion of the total market and their impact remains proportionately smaller. As a result of the Japanese economic stagnation and the Asian economic downturn, Guam experienced a sharp drop in tourism in 1998. This has contributed greatly to the Territory's worst economic decline.[3]

47. From its peak in 1997, tourist traffic dropped 17.7 per cent in 1998. Hotel room rates, occupancy rates and occupancy taxes dropped considerably in 1998, and the general decline continued through the first half of 1999. In June 1999, the total arrival count was up 5.0 per cent from a year earlier for the first time since October 1997, but the pivotal Japanese tourist count was still down 1.0 per cent from June 1998. The June 1999 gain was mainly due to increases from Taiwan, Province of China and the Republic of Korea. The January-June 1999 total was 7.0 per cent lower than for the same period in 1998, and 22.2 per cent below the 1997 level. An encouraging mid-year 1999 indicator is the advance bookings for the second half of 1999 from Japan.[3]

48. Total visitor arrivals in 1998 were 1,137,026, down 233,387 from 1997 and the room occupancy rate was 67 per cent, down from 82 per cent in 1997. In 1998, $23,608.1 million was collected as revenue.[3]

49. The Guam Visitor's Bureau anticipates competition from other Asian vacation spots and plans to keep pace with attractive activities and prices. Following up on a March 1999 market survey, the Guam Visitor's Bureau is targeting younger travellers and adopting new marketing strategies to attract them. In the last few years, some major projects have been completed in the tourist centres: a new adventure water-park, the longest tunnel aquarium, new hotels, popular shops and restaurants with a "western outlook". Guam is a duty-free port and there are no luxury taxes on consumer goods. The tourist industry accounts for 25 per cent to 40 per cent of retail sales.[27]

F. Construction

50. Guam's building industry has stabilized at about the $300-million level. Building permits were the only major indicator on Guam that rose in both 1997 and 1998, although the gains were small. At $321.9 million in 1998, building permits were up 4.6 per cent. Some of the gains can be attributed to typhoon Paka in 1997. Current permit figures are unavailable.[3]

51. Private investment in construction will be limited to maintaining the existing buildings and meeting residential housing demands as a result of population increases. Although building permits have lagged behind, government capital improvement projects have increased with over $260 million in funded projects to be completed or started in 2000.[27]

V. Banking and finance

52. According to the information received from the administering Power, Guam's economic expansion has raised local investment capacity. Guam's newly increased ability to generate capital from local sources will be important in sustaining the island's growth. Bank deposits on Guam have grown steadily, reaching $1.46 billion in 1997. Bank loans also increased to $2.58 billion in 1997.

53. The Government is making an effort to establish Guam as a financial service centre in the Pacific. Guam is already established as a regional banking centre for Micronesia and is taking steps towards becoming a

government-promoted financial centre. The Government is creating attractive laws and policies to promote financial activities. In the last few years, it has enacted laws to provide for 100 per cent abatement of gross receipt taxes on insurance premiums and other revenue and 100 per cent rebates on all income taxes of an insurance underwriting entity. It has passed laws to authorize additional benefits to insurance underwriters and similar tax incentives for Guam-based trusts. It has also established mechanisms for the creation and regulation of trust companies in Guam. These newly enacted laws together with aggressive promotion in finance and insurance services, along with the rapid expansion of the telecommunications industry, are intended to augment and diversify Guam's economy and promote a financial centre industry, with Guam as a hub between East and West. This should generate more job opportunities in a non-polluting industry and attract foreign investments to further the economic development.[27]

VI. Infrastructure

A. Transport

1. Roads

54. The Guam 2010 Highway Master Plan calls for capital investments in the primary roads and highway system estimated to cost $470 million over the next two decades. A large portion of the funding for these highway construction and maintenance projects will come from bond issues backed by fuel taxes and vehicle registration fees that are allocated to the Department of Public Works.

55. Licensed motor vehicles have continued to increase from a total of 99,791 in 1996, to 100,598 in 1997 and 101,981 in 1998.[28]

2. Airport

56. The A. B. Won Pat Guam International Air Terminal and surrounding facilities are administered by the Guam Airport Authority. The airport facilities are first-rate, but the growth in passenger arrivals and cargo warrants increasing the capacity of the facilities. Guam has expanded its airport aprons to alleviate the problems of aircraft waiting in the taxiways. Further expansion plans and development projects, which include a transfer of the property from the Navy, have been delayed owing to concerns over a potential contamination of groundwater and drainage fields outside the former naval air station, Tiyan, which was shut down in 1993.[29]

57. The Guam Airport Authority has also tripled the size of the airport with a $253 million new terminal, increasing the number of passenger gates to 17. The facility now handles some 2,000 flights a month. The airport is a regional aviation hub and a base of operations for Continental Micronesia, the regional carrier.

58. Air cargo movements have declined over the last two years but showed signs of improvement in 1998, from 35,691 thousand pounds in 1997 to 36,691 thousand pounds in 1998.

3. Seaport

59. The Port Authority of Guam administers the commercial port facilities at Apra Harbour. The Port Authority of Guam is a public corporation and an autonomous agency of the Government of Guam. Guam's port is a major trans-shipment centre of the western Pacific and is equipped to move containerized bulk and tuna cargo efficiently. The port has, in recent years, seen an average annual increase of 23 per cent in cargo. The Port Authority of Guam is expanding its container yard and is planning to spend $100 million in reconstruction activities through the year 2005.

60. Surface cargo movement, which showed a decline after 1995, is gradually improving, with a total of 2,052.6 thousand revenue tons moved in 1998 from the 1,717.1 thousand tons moved in 1997.[31]

B. Power generation and distribution

61. The Guam Power Authority, an autonomous agency of the Government of Guam, is responsible for providing electricity throughout the island. The tremendous pace of development on Guam has put a strain on existing power facilities. The Guam Power Authority has listed power generating increases of 178 megawatts to be put on line by the end of the decade.

62. Late in 1998, the federal environment agency had fined the Guam Power Authority for violations of federal clean air standards. The utility has until August 2000 to upgrade the switching system at the Guam

Power Authority's Cabras Power Plant to avoid air pollution from fuel that has a high sulphur content.[32]

63. In December 1999 the federal Government authorized a grant of $3.3 million for Y2K remedial work at the Guam Power Authority.[33]

C. Communications

64. RCA Global Communications and IT&E handle cablegrams, facsimile messages, overseas telephone calls and telex. The United States Postal Service handles mail delivery. Commercial mail delivery is also available through Federal Express and DHL. Guam has one daily newspaper, a newspaper published three times a week, several weekly and monthly commercial publications, and military journals. There are three AM and two FM radio stations, one broadcast commercial television station, one cable television station and one public broadcasting station. A new fibre optic cable now links the island with Hawaii, Japan, the Philippines and Hong Kong.[6]

D. Water system

65. Approximately 74 per cent of the water supply is provided by the Guam Waterworks Authority. The remainder is produced by the Air Force and Navy installations on Guam. The Government's water sources are groundwater and surface water (Ugum River). The Navy water source is a surface reservoir (Fena Lake) in the southern part of the island. The Guam Waterworks Authority water originates primarily in an aquifer known as the northern lens, which is tapped by 94 active wells. According to the Guam Waterworks Authority well monitoring report, about 26 million gallons per day are currently pumped from the northern lens. The $12 million Ugum River project at the southern end of the island, completed a few years ago, added an additional 1 to 2 million gallons per day of potable water to Guam's daily supply.

66. As a result of the 8 August 1993 earthquake, the Governor had ordered a $10 million emergency programme to install generators at approximately 146 facilities, water wells, water booster pumps, sewage pump stations and wastewater treatment plants. This work is currently proceeding under private contract, and is being administered by the Guam Power Authority, since it will maintain the facilities after completion of the installations. In the aftermath of the earthquake, major water leaks were repaired immediately and a follow-up contract for a leak detection programme for the entire water system is approximately 25 per cent complete. The leak detection programme is being paid for by funds appropriated by the Guam Legislature.

67. Under the Compact of Free Association Act of 1985 (see para. 24 above), Guam is receiving an annual amount of $4,580,000 from the mandatory covenant funding for capital infrastructure projects as impact aid for Guam. As of August 1997, a total of $1,840,000 had been dedicated to water system improvements. The projects are the Anao Point waterline, the Lupog water project and the Mataguac waterline project.

68. In December 1999 the federal Government transmitted $7.58 million in compact aid to Guam. This was an additional $3 million over the $4.58 million Guam receives annually, and is earmarked for capital improvement projects.

VII. Environment

A. Guam Wildlife Refuge

69. The establishment of the Guam National Wildlife Refuge by the United States Fish and Wildlife Service has been an issue of some contention since 1996. The refuge is the result of several years of effort by the Department of the Interior to address concerns of Guam leaders and national environmental groups for preservation of several endangered bird species on the island. The refuge consists of 22,873 acres. About 22,502 acres are an "overlay" jurisdiction on Department of Defense lands, while the remaining 371 acres at Ritidian Point are held directly by the Fish and Wildlife Service.

70. Many Guam leaders, including the current Governor and the Delegate to Congress, oppose federal control of the refuge, and would prefer it to be under local control. These leaders also object to the transfer of 371 acres of land formerly held by the Department of Defense at Ritidian Point to the Department of the Interior as part of the refuge.

71. In September 1997, after a Guam Superior Court issued an order requiring unfettered access, gates leading to the Guam Wildlife Refuge were vandalized.

The matter was moved to the United States District Court, and settlement discussions between the United States and Guam continue.

72. In October 1997, a hearing was held on a bill that would give the Government of Guam a right of first refusal to obtain federal excess lands on the island. The legislation specifically excludes any lands contained in the Guam Wildlife Refuge.

B. Contaminated soil

73. Nineteen environmentally damaged areas on Guam are to be cleaned by the United States Naval Forces.[34] The Navy continues to test and clean land to be turned over to the Government of Guam by early 2000. About 250 cubic yards of contaminated soil was to be removed from an old ship-repair facility site at Apra Harbour by November 1999. During the year, tests will be conducted to check groundwater contamination, to detect possible arsenic contamination from reported perforated drainage pipes that leach waste water into Apra Harbour, as well as to determine levels of metal contaminants.[35] The Navy has also stepped up its clean-up plan for the old Agana power plant in Mongmong following preliminary tests that showed high levels of contaminants in the soil near the plant. The Navy is testing for polychlorinated biphenyls (PCBs) and dioxin.[36]

74. Canisters containing some amounts of toxic chemical agents like phosgene and mustard gas, used for chemical warfare training during the Second World War, were uncovered on a small Mongmong farm in Guam in July 1999. The United States military removed these canisters in September 1999.[37]

C. Coastline and coral reefs

75. Over the last several years, pollution of beaches, coastal waters and coral reefs has raised concerns over the impact on health and tourism. Pollution is suffocating the coral reefs and inhibiting marine life. Sources of contamination include sewage from septic tanks and leaking sewer lines and chemical contaminants from fertilizers and sewage. Pollution of the freshwater lens also puts the drinking water supply at risk. According to press reports, the Guam Environmental Protection Agency officials say that the pollution problems are not widespread, but the pace of development may cause a bigger problem in the future. Various recommendations have been made to the Government of Guam for dealing with the deteriorating environment.

76. Guam currently receives grant funding in the amount of $760,000 as part of the National Oceanic and Atmospheric Administration's Coastal Zone Management Programme.[38]

VIII. Land issue

77. There are three categories of land-use ownership: private, the Government of Guam, and the United States Government. The United States Government holds about 30 per cent of the total land area, the Government of Guam, approximately 25 per cent, and the remaining 45 per cent is privately owned. Private land ownership on Guam is not restricted on the basis of nationality or residency and title can be held in fee simple (freehold land). Some federal military land has recently been turned back for the Government of Guam to determine its future use.[6]

78. There are two major issues: (a) the return of unused or underutilized lands held by the Department of Defense and (b) the return of these lands to the original Chamorro landowners. According to information published by the Government of Guam,[39] the Department of Defense currently holds title to over 40,000 acres, which represents over one third of the island. This land was condemned and acquired from private landowners by the Department of Defense during the years following the Second World War. The condemnations and confiscations occurred between 1945 and 1950, when Guam was under the administration of the United States military, and before citizenship was granted to the people of Guam. Many Chamorro families became landless and without resources to obtain other land.

79. In 1977 the Department of Defense prepared a study, the Guam Land Use Plan of 1977, which recommended the release of 2,100 hectares of surplus land for development. Of this, 1,023 hectares were to be made available for lease and exchange. The military transferred to the Government of Guam the 190 hectares at Cabras Island, the land used for airport expansion at the Naval Air Station, several parcels at Apra Harbour and 84 hectares of land and facilities at the Hotel Wharf.[40] Additional details about land issues,

transfers and legislation are covered in earlier working papers (see A/AC.109/1069, 1148, 1149, 1192, 2047 and 2047/Add.1).

80. Land remains central to Chamorro culture and many families expect to have the land returned to them. Recent military downsizing which made available some excess military lands has led to a renewal of the controversy over the initial condemnations as well as raised hopes for the return of this land. In 1994, Congress passed the Guam Excess Lands Act (Public Law 103-339) to return 3,200 acres to the people of Guam. This transfer has yet to be effected and legislation is still being processed in this respect.[41]

81. On 10 October 1997, in his statement to the Fourth Committee at the fifty-second session of the General Assembly (see A/C.4/52/SR.6), the Guam Delegate to the United States Congress, Robert Underwood, stated that the procedure for returning surplus federal land to the Government of Guam allowed federal agencies to bid for those excess lands ahead of Guam. At Ritidian Point 370 acres identified as surplus by the Department of Defense in 1991 were established as a wildlife refuge by the Department of the Interior to preserve several endangered species of birds in Guam. Chamorro families are still protesting this action.

82. In 1993, the Superior Court of Guam had ruled that the territorial Government of Guam had to turn over its possession of land to a commission that could then lease it to the Chamorro people (see A/AC.109/1148). The Government established the Chamorro Land Trust to hold lands in trust for the indigenous people of Guam. In his 1998 state of the island address, the Governor of Guam said that his Government was implementing the Chamorro Land Trust and had signed over 1,200 Chamorro Land Trust leases, including 244 agricultural leases and over 1,000 residential leases. Thirty-eight families have been licensed to return to their ancestral homesteads and the Government continues to support the landowners on Ritidian Point in their efforts (see A/AC.109/1999/14, paras. 37–40).

83. However, in June 1999 the Government of Guam lost a federal case to regain possession of the Ritidian Point area.[42] The District Court ruled that the Guam Legislature did not have the authority to establish the Chamorro Land Trust.[43] Original landowners continue to protest this ruling.

IX. Social conditions

84. The budget crisis in 1999 led to changes in fiscal policy. In order to find a savings of $27 million to balance its $450 million budget for 2000, the Government instituted an early retirement and voluntary separation programme, among other measures. Some 15,000 government workers took advantage of this programme. This has had a major impact on delivery of all social programmes, including in the fields of education, health, and crime prevention. The full impact on government operations and programmes is not yet clear and the budget for the next fiscal year has yet to be decided.

A. Education

85. Guam has an extensive public and private education system. The public education system includes the University of Guam; the Guam Community College; 5 public high schools; 6 middle schools; and 24 elementary schools. The private system includes two business colleges, five high schools and several elementary schools. Most of these are affiliated with Roman Catholic and Protestant religious denominations. The University of Guam has master degree programmes in education and public administration, operates a marine research laboratory, and has an extensive collection of Pacific and Micronesian historical documents and material at the Micronesian Area Research Centre. The University of Guam is accredited by the Western Association of Schools and Colleges.[6]

86. Over the past three years, the Government has opened new schools, delivered new school buses and supported the education infrastructure (see A/AC.109/1999/14, paras. 47-51). However, Guam elementary school students, it is reported by the media, continue to perform poorly on standardized tests. Guam's public school system has been affected by several factors, including inadequate funding, political interference, a constant turnover of education directors, and the suspension of elected district boards that set policy. Education has had to compete with other government spending priorities, particularly during an economic downturn.[44] Because of the exodus of teachers due to the government-sponsored early retirement and voluntary separation scheme, there is now a shortage of teachers to fill essential positions

and the Government is contracting retirees and other teachers to fill in.

87. The military started its own schools on Guam in 1997. With 2,500 students from kindergarten to grade 12, the military-run school spends about $26 million annually. The system employs 250 teachers. In comparison, the Department of Education of the territorial Government has about 32,000 students and spent $155 million in fiscal 1999, of which about 80 per cent went for personnel costs. Guam spends $5,425 per student per year, lower than the United States average of $6,330. Students in Guam's military-run schools continue to improve their standardized test scores, whereas test scores of public school students on Guam have been in the twentieth and thirtieth percentiles on the Stanford Achievement Tests.[45]

88. The University of Guam and the Guam Community College are also seeking budget increases — $37.8 million for 2000 — whereas lawmakers, facing a spending cap, approved only $24 million. The University of Guam will be undergoing an accreditation review and there is concern that its financial hardship will have an impact on its status for accreditation. Should its accreditation be revoked, it stands to lose federal grants and revenues.[46]

89. Students from Guam are eligible for various public and private scholarships and exchange programmes, most recently the Gates Scholarship Millennium Scholars programme for undergraduate and graduate students.

B. Health

90. The Guam Memorial Hospital, with 147 beds, is government-owned and the major health facility in Guam and Micronesia. The United States Naval Hospital serves military personnel and dependants as well as veterans. Guam's Department of Public Health operates about a dozen medical and dental clinics. About 140 physicians and 30 dentists practice in Guam.[6]

91. The Government has made steady progress in putting Guam Memorial Hospital back on a sound financial footing and in making improvements that would lead to its accreditation. The hospital is operating with an annual loss of $4 million to 10 million. A new hospital administrator, who would like to raise fees to raise an estimated $5.8 million, was appointed two years ago, This would make the hospital services more expensive in the view of local insurance agencies.[47]

92. About $1.5 million in federal money is expected to go to Guam to offset the costs of health insurance for children without such coverage, according to the office of Guam's Congressman, and this funding stream of $1,573,275 will be available every year until 2007. But the money is not enough to cover the estimated 5,000 children who are eligible for the programme.[48] In March 1999, the federal Government approved Guam's plan to provide such coverage and gave $375,000 to Guam for the purpose under the Children's Health Insurance Programme (CHIP). It is reported that Guam has opted to use its CHIP allocation to expand its Medicaid programme to children receiving services through a Territory-funded programme. The availability of CHIP funds will help the Territory to serve more children. The local government will not expand income limits, but instead will increase the number of children served. In Guam, the current income level characterized as needy for a family of four is $17,232 — slightly higher than in the continental United States.

93. Other federal programmes approved by the United States Department of Health and Human Services include grants to help to develop and support shelters for women who are victims of domestic violence. Teen-age pregnancies are becoming a cause of concern in Guam. They are increasing and comprise 15 per cent of all live births in Guam.[49]

94. Two agencies provide home health care to some 600 disabled and senior citizens on the island. As there are no nursing homes for senior citizens, normal care is supplemented by the home health care system. The reimbursement rate was reduced by Medicare and threatened the agencies' ability to continue. The United States Department of Health and Human Services rescinded the rate reduction and returned it to 96 per cent retroactively. More companies and more people interested in providing this service will now be allowed to participate.[39]

C. Crime and drugs

95. It has been reported that Guam's crime rate has been declining in the past years. The police department attributes the drop in crime to the increase in officers

on the streets, more neighbourhood patrols and activation of a new highway patrol section. The prevalence of drugs on the island is perhaps the single most significant factor affecting crime rates. The largest crime rate increase in recent years came in 1997. To combat the island's drug problem, the police department continues to run preventive and outreach programmes. Guam will also receive $1.5 million to hire community police officers, under the Justice Department's community-oriented policing services programme. These officers will be assigned to community policing.[50]

96. Guam's Congressman recently announced that Guam will receive $243,220 from the Office of Justice Programs for fiscal year 2000 to continue the operations of the Residential Substance Abuse Treatment for State Prisoners (RSAT) Program at the Department of Corrections. The federally funded RSAT programme was created in the Violent Crime Control and Law Enforcement Act of 1994. Guam began receiving funding for its RSAT programme in 1996 and has received nearly $730,000 since then. Guam's RSAT programme consists of a 14-bed in-house facility at the Department of Corrections with aftercare provided by the Department of Mental Health and Substance Abuse. The RSAT programme seeks to reduce recidivism among prisoners in correctional facilities and provide rehabilitation.[51]

X. Future status of the Territory

A. Position of the territorial Government

97. In a statement for the record submitted by the Guam Commission on Self-Determination to the United States House of Representatives Committee on Resources on 29 October 1997, the Commission defined Guam's process of decolonization in the following way:

> "The Guam Commonwealth Act creates a mechanism whereby the United States Congress would approve of the Constitution of the Commonwealth of Guam, including a provision which recognizes the right of the Chamorro people to select an ultimate political status. The language of the Commonwealth Act characterizes 'Chamorro' as persons (or descendants of persons) who were born in Guam prior to 1 August 1950. It is anticipated that the exercise of Chamorro self-determination would be a one-time vote on an ultimate political status for Guam. Guam's decolonization would result from the implementation of a status selected by the Chamorro people.[52]

98. In his statement to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples at its 9th meeting on 29 June 1999, the Governor of Guam, H.E. Carl Gutierrez, outlined his views saying that the people concerned were paramount in the process of decolonization and the attainment of self-government, and that consultation with the people of the Territories was vital. For full self-government to come about, the people of the Territories had to be "equal within the political system of their administering Powers". Although independence may be the obvious choice, he said, full integration of a territory into the political system of an administering Power was also a form of full self-government. Referring to their own current status, however, he said, left them "the subjects of the plenary authority of the administering Power", which obviously could not be deemed to be self-governing. He reiterated his Government's invitation to Guam as the site for the next regional seminar of the Special Committee. He noted that the Guam Legislature had adopted a resolution a week earlier, extending an invitation to the Special Committee to hold its Year 2000 Seminar in Guam.

99. On 6 October 1999, Mr. Paul Bordallo, speaking on behalf of the Governor of Guam at the 5th meeting of the Fourth Committee at the fifty-fourth session of the General Assembly, said that a decade ago Guam had proposed an interim autonomous status under United States sovereignty as a preparation for a decolonization vote by the Chamorro people. Since then the administering Power had engaged them in discussions and negotiations but had responded that they would not grant them that autonomy.

100. He also said that, in accordance with Guam law, Guam had established a process by which the Chamorro people would vote on Guam's decolonized status. This vote is now scheduled to be held in July 2000. The administering Power has indicated that it does not support this process.

B. Position of the administering Power

101. On 20 October 1997, the United States House of Representatives Committee on Resources held the first hearing since 1989 on House resolution 100, the Guam draft Commonwealth Act. Deputy Secretary of the Interior, John Garamendi, testified on behalf of the Administration. He clarified the constitutional and policy parameters of what the Administration can and cannot support in Guam's Commonwealth proposal. While noting that the Commonwealth negotiations have resulted in a creative and pragmatic approach towards the United States, the Deputy Secretary also testified that the Administration could not support certain key concepts underlying the original Commonwealth bill:

(a) Legally binding the Congress or the Executive Branch to seek the consent of the Commonwealth Government before modifying the act creating the Commonwealth of Guam, or before applying any future federal law, regulation or policy to Guam;

(b) Providing for a legally binding, government-sponsored or endorsed vote on the ultimate political status of Guam, in which only one group may participate to the exclusion of other United States citizens residents of Guam;

(c) Transferring federal control over the adoption and enforcement of immigration and labour policies to the Commonwealth Government;

(d) Creating a joint commission under Guam's control that would have the authority to issue final determinations on the application of federal policies to Guam, or to determine military lands to be transferred to the Commonwealth Government.

102. In January 2000 the Insular Affairs Director, Department of the Interior, went to Guam to discuss insular participation in President Clinton's initiative to improve federal policy concerning the three territories: Guam, American Samoa and the United States Virgin Islands. On 1 March 2000, the first meeting of the President's Interagency Group on Insular Areas (IGIA) was held. It was attended by all federal agency principals, all insular congressional delegates, with the Washington representative and the Insular Governors. At least 15 federal/island partnerships were formed which are dedicated to the resolution of important issues affecting all insular areas.

103. In his statement at the 5th meeting of the Fourth Committee of the General Assembly on 6 October 1999, the United States representative said that for the United States the term "non-self-governing" was of questionable applicability to those who are able to establish their own constitution; who elect their public officers; who have representation in Washington; and who choose their own economic path. He also called upon the members of the Committee to recognize that the mere presence of outside economic and military interests in non-self-governing Territories was not a detriment to the interests of those Territories or their peoples. He asked that each case be considered on its own merits.

104. On 6 December 1999, in her explanation after the vote on the text that was adopted as resolution 54/91, at the 71st plenary meeting of the fifty-fourth session of the General Assembly, the United States representative said that military activities and arrangements in the Territories, could be extremely beneficial to multilateral efforts to support international peace and security. She pointed out that United States installations in Guam were highly instrumental in providing the initial United States naval response for the multinational force in East Timor (INTERFET) and also served as an en route support location for United States aircraft, as well as foreign forces, dedicated to that multinational force.

105. She said that the United States remained committed to the process of dialogue, based upon the established guidelines of July 1999, which existed between the Special Committee and the interested parties. They appreciated the spirit of cooperative engagement and the positive working atmosphere that had characterized the debate on the decolonization issue at that session. Her country hoped that that productive atmosphere would remain as they, together with the Special Committee and other interested parties, continued their examination of the situation within the Territories (see A/54/PV.71).

106. The United States also advised the Chairman of the Special Committee that the governors and legislators of territories are officials of states and are not in a position to invite a committee of the United Nations to Guam for the purposes detailed in Governor Gutierrez's letter of invitation. Additionally, the United States reiterated its opposition to the Special Committee hosting any regional seminar outside of United Nations Headquarters and considered it a better

use of time and resources to discuss issues in New York.[53]

C. Action by the General Assembly

107. On 6 December 1999, the General Assembly adopted, without a vote, resolution 54/90 B, section VI of which concerns Guam.

Notes

[1] The information contained in the present working paper was derived from information submitted by the administering Power under Article 73 *e* of the Charter of the United Nations (April 1999) and published sources, including Internet sites.

[2] *Encarta Online Deluxe*, "Guam".

[3] Bank of Hawaii, *Economic Report on Guam*, October 1999.

[4] Guam web site "Welcome to Guam".

[5] Congressman Underwood's web site *http\\nog2.uog.edu/underwood*.

[6] Department of the Interior, Office of Insular Affairs, *Fact Sheet*, 1998.

[7] Teehan, Landowners Association at the St. Lucia Seminar, May 1999.

[8] *Pacific Daily News*, 6 February 2000.

[9] Ibid., 16 September 1999 and 1 and 5 January 2000.

[10] Congressman Underwood's annual address to the people of Guam, 17 August 1999.

[11] *Pacific Daily News*, 21 January 2000.

[12] Ibid., 24 January 2000.

[13] *World Europa Yearbook 1996*, vol. 11.

[14] Department of the Interior, Office of Insular Affairs, *Report on the State of the Islands 1999*, chap. 4.

[15] Pacific Island Development Program/Country Policy Information System, January 1998.

[16] United States submission, April 1999.

[17] *Guam Economic Outlook January 2000*, Department of Commerce, Government of Guam.

[18] *The New York Times*, 10 December 1999.

[19] Press release, Congressman Underwood, 10 February 2000.

[20] *Pacific Daily News*, 11 November 1999.

[21] Press release, GA/COL/3013, 29 June 1999.

[22] *Pacific Daily News*, 14 January 2000.

[23] Press release, Congressman Underwood, 9 March 2000.

[24] See pie-chart in *Guam Economic Report*, September 1997, p.18.

[25] *Current Employment Statistics*, Bureau of Labour Statistics, Department of Labour, Government of Guam.

[26] *Current Labour Force Survey*, Bureau of Labour Statistics, Department of Labour, Government of Guam.

[27] *Outlook 2000*, Government of Guam/Department of Commerce.

[28] Government of Guam, Department of Revenue and Taxation.

[29] *Pacific Daily News*, 8 January 2000.

[30] Guam Airport Authority, GovGuam 2000 Outlook.

[31] Port Authority of Guam, GovGuam 2000 Outlook.

[32] *Pacific Daily News*, 15 November 1999.

[33] Press release, Congressman Underwood, 9 and 10 December 1999.

[34] *Pacific Daily News*, 30 July 1998.

[35] Ibid., 26 August 1998.

[36] Ibid., 19 December 1998.

[37] Ibid., 18 September 1999 and 1 January 2000.

[38] Press Release Congressman Underwood, 18 February 2000.

[39] Congressman Underwood's web site www.house.gov/underwood/guam

[40] *The Task Ahead: Profiles of 18 Trust and NSGTs*, United Nations Department of Public Information publication (DPI/1109).

[41] United States Congress: S.210 and H.R. 368; the Senate has already passed S.210.

[42] *Pacific Daily News*, 23 October 1999.

[43] Press release Congressman Underwood, 15 July 1999.

[44] *Pacific Daily News*, 5 March 2000.

[45] Ibid., 8 September and 8 October 1999.

[46] Ibid., 17 February 2000.

[47] Ibid., 14 October 1999.

[48] Ibid., 21 October 1998.

[49] Ibid., 1 September 1999.

[50] Press release, Congressman Underwood, 17 September 1999.

[51] Ibid., 11 June 1999.

[52] Statement for the record, Guam Commission on Self-Determination. House Resources Committee (105th Congress). Hearing on H.R. 100, the Draft Commonwealth Act, 29 October 1997, p. 11 (Copy was provided to the Secretariat by the Guam Commission on Self-Determination in May 1998).

[53] Letter dated 15 February 2000, Ambassador Betty King to Ambassador Donigi.